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2 UNITED STATES DISTRICT COURT  
3  
4 DISTRICT OF NEVADA  
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6 MICHAEL RHYMES,

7 Plaintiff,

8 vs.  
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10 NEVADA DEPARTMENT OF  
CORRECTIONS, *et al.*,  
11 Defendants.

Case No.: 3:15-CV-00592-RCJ-CBC

ORDER

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13 Before the Court is the Report and Recommendation of United States Magistrate  
14 Judge Carla B. Carry (ECF No. 89<sup>1</sup>) entered on January 28, 2019, recommending that  
15 the Court grant and deny in part Defendants' Motion for Summary Judgment (ECF No.  
16 67). No objection to the Report and Recommendation has been filed.

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18 This action was referred to Magistrate Judge Carry under 28 U.S.C. §  
19 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District  
20 Court for the District of Nevada.

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22 The Court has considered the pleadings and memoranda of the parties and other  
23 relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2.  
24 The Court determines that the Magistrate Judge's Report and Recommendation (ECF  
25 No. 89) entered on January 28, 2019, should be adopted and accepted.  
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1 Refers to Court's docket number.

1 IT IS ORDERED that the Magistrate Judge's Report and Recommendation (ECF  
2 No. 89) entered on January 28, 2019, is ADOPTED and ACCEPTED.

3 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment  
4 (ECF no. 67) is GRANTED IN PART AND DENIED IN PART;  
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6 IT IS FURTHER ORDERED that the deliberate indifference claims against  
7 Defendants, Neven and Sablica, of the Second Amended Complaint be allowed to  
8 PROCEED;  
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10 IT IS FURTHER ORDERED that the supervisory liability claim regarding the  
11 enforcement of NDOC regulations against Defendant Neven, of the Second Amended  
12 Complaint be DISMISSED; and

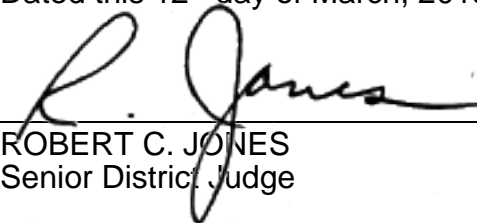
13 IT IS FURTHER ORDERED that the official capacity claims against Defendants  
14 Neven and Sablica, of the Second Amended Complaint are DISMISSED.  
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16 IT IS FURTHER ORDERED that qualified immunity is DENIED.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment  
18 accordingly.  
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20 IT IS SO ORDERED.

21 Dated this 12<sup>th</sup> day of March, 2019.

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23 ROBERT C. JONES  
24 Senior District Judge  
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